APPENDIX.

PERTINENT PROVISIONS OF THE ACT OF CONGRESS OF OCTOBER 14, 1940, c. 862 (LANHAM ACT) 42 U.S.C. 1521 ET SEQ.

§ 1521. In order to provide housing for persons engaged in national-defense activities, and their families, and living quarters for single persons so engaged, in those areas or localities in which the President shall find that an acute shortage of housing exists or impends which would impede national-defense activities and that such housing would not be provided by private capital when needed, the Federal Works Administrator (hereinafter referred to as the "Administrator") is authorized:

(a) To acquire prior to the approval of title by the Attorney General (without regard to section 1339 of Title 10 and section 5 of Title 41), improved or unimproved lands or interests in lands by purchase, donation, exchange, lease (without regard to sections 40a and 34 of Title 40, or any time limit on the availability of funds for the payment of rent), or condemnation (including proceedings under sections 257, 258, 361-368, and 258a-258e of Title 40).

(b) By contract or otherwise (without regard to section 1339 of Title 10, section 5 of Title 41, and section 40a of Title 40, or any Federal, State, or municipal laws, ordinances, rules, or regulations relating to plans and specifications or forms of contract, the approval thereof or the submission of estimates therefor) prior to the approval of title by the Attorney General to make surveys and investigations, plan, design, construct, remodel, extend, repair, or demolish structures, buildings, improvements, and community facilities, on lands or interests in lands acquired under the provisions of subsection (a) hereof or on other lands of the United States which may be available (transfers of

which for this purpose by the Federal agency having jurisdiction thereof are hereby authorized notwithstanding any other provisions of law), provide proper approaches thereto, utilities, and transportation facilities, and procure necessary materials, supplies, articles, equipment, machinery, and do all things necessary in connection therewith to carry out the purposes of this subchapter: PROVIDED, That the cost-plus-a-percentage-of-cost system of contracting shall not be used, but this proviso shall not be construed to prevent the use of the cost-plus-a-fixed-fee form of contract and so far as is consistent with emergency needs, contracts shall be subject to section 5 of Title 41: PROVIDED, That the cost per permanent family-dwelling unit shall not exceed an average of $3,750 for all types of construction for those units located within the continental United States nor an average of $4,250 for those located elsewhere (exclusive of Alaska), and the cost of no family-dwelling unit shall exceed $4,500 within the continental United States or $4,750 elsewhere, except in the Territory of Alaska, where the cost shall not exceed $7,500, exclusive of expenses of administration, land acquisition, public utilities, and community facilities, and the aggregate cost of community facilities shall not exceed 3 per centum of the total cost of all projects: PROVIDED FURTHER, That where the Administrator shall consider that there is no reasonable prospect of disposing of such housing to meet a need extending beyond the emergency he shall construct temporary units: PROVIDED FURTHER, That all items of cost with respect to each such family dwelling unit shall be separately estimated with a view toward economy, and no movable equipment shall be installed in such units, unless the Administrator shall, in any particular case, deem such installation to be in the public interest. Oct. 14, 1940, c. 862, Title I, § 1, 54 Stat. 1125, as amended Apr. 29, 1941, c. 80, § 1, 55 Stat. 147; June 28, 1941, c. 260, § 2, 55 Stat. 361; Jan. 21, 1942, c. 14, §§ 1, 11, 56 Stat. 11, 13.

§ 1524. It is hereby declared to be the policy of this subchapter to further the national defense by providing hous-

ing in those areas where it cannot otherwise be provided by private enterprise when needed, and that such housing may be sold and disposed of as expeditiously as possible: PROVIDED, That in disposing of said housing consideration shall be given to its full market value and said housing or any part thereof shall not, unless specifically authorized by Congress, be conveyed to any public or private agency organized for slum clearance and to provide subsidized housing for persons of low income: PROVIDED FURTHER, That the Administrator may, in his discretion, upon the request of the Secretaries of War or Navy transfer to the jurisdiction of the War or Navy Departments such housing constructed under the provisions of subchapters II-IV of this chapter as may be considered to be permanently useful to the Army or Navy. Oct. 14, 1940, c. 862, Title I, § 4, as added Jan. 21, 1942, c. 14, § 4, 56 Stat. 12.

§ 1531. It is hereby declared to be the policy of this subchapter to provide means by which public works may be acquired, maintained, and operated in the areas described in section 1532 of this title. As used in this subchapter, the term "public work" means any facility necessary for carrying on community life substantially expanded by the national-defense program, but the activities authorized under this subchapter shall be devoted primarily to schools, waterworks, sewers, sewage, garbage and refuse disposal facilities, public sanitary facilities, works for the treatment and purification of water, hospitals and other places for the care of the sick, recreational facilities, and streets and access roads. Oct. 14, 1940, c. 862, Title II, § 201 as added June 28, 1941, c. 260, § 3, 55 Stat. 361.

§ 1541. When the President shall have declared that the emergency declared by him on September 8, 1939, has ceased to exist (a) the authority contained in sections 1521, 1532, 1561, and 1562 of this title shall terminate except with respect to contracts on projects previously entered into or undertaken and court proceedings then pending, and (b) property acquired or constructed under subchapters II-IV (including schools and hospitals) shall be disposed of as

promptly as may be advantageous under the circumstances and in the public interest. Oct. 14, 1940, c. 862, Title III, § 4, 54 Stat. 1127; renumbered § 301, and amended June 28, 1941, c. 260, § 4 (a), 55 Stat. 363; Apr. 10, 1942, c. 239, § 1, 56 Stat. 212.

§ 1545. In carrying out the provisions of subchapters II-IV the Administrator is authorized to utilize and act through the Federal Works Agency and other Federal agencies and any local public agency, with the consent of such agency, and any funds appropriated pursuant to subchapters II-IV shall be available for transfer to any such agency in reimbursement therefor. Nothing in subchapters II-IV shall be construed to prevent the Administrator from employing or utilizing the professional services of private persons, firms, or corporations. Consultation shall be had with local public officials and local housing authorities to the end that projects constructed under the provisions of subchapters II-IV of this chapter shall, so far as may be practicable, conform in location and design to local planning and tradition. Oct. 14, 1940, c. 862, Title III, § 8, 54 Stat. 1127; renumbered § 305, June 28, 1941, c. 260, § 4(b), 55 Stat. 363, and amended Jan. 21, 1942, c. 14, § 7, 56 Stat. 12.

§ 1547. Notwithstanding any other provision of law, the acquisition by the Administrator of any real property pursuant to subchapters II-IV shall not deprive any State or political subdivision thereof, including any Territory or possession of the United States, of its civil and criminal jurisdiction in and over such property, or impair the civil rights under the State or local law of the inhabitants on such property. As used in this section the term "State" shall include the District of Columbia. Oct. 14, 1940, c. 862, Title III, § 10, 54 Stat. 1128; renumbered § 307, and amended June 28, 1941, c. 260, § 4(b), 55 Stat. 363; Apr. 10, 1942, c. 239, § 3(b), 56 Stat. 212.

§ 1548. The Administrator is authorized to make such rules and regulations as may be necessary to carry out the provisions of subchapters II-IV, and shall establish reasonable standards of safety, convenience and health. Oct. 14,

1940, c. 862, Title III, § 11, 54 Stat. 1128; renumbered § 308, June 28, 1941, c. 260, § 4 (b), 55 Stat. 363.

ACT OF JUNE 7, 1911, P. L. 680.

AN ACT.

Providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties, and forfeitures for violation thereof.

PENNSYLVANIA ACT OF ASSEMBLY ENABLING CITIES OF THE FIRST CLASS, ET AL TO REGULATE BY ORDINANCE THE CONSTRUCTION, ETC., OF ALL BUILDINGS AND LAND APPURTENANT THERETO.

AN ACT.

To enable cities of the first, second and second class A, incorporated towns, boroughs, and townships of the second class, to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and land appurtenant thereto; providing for the enforcement of such ordinances; and repealing existing laws.

SECTION 1. Be it enacted, &c., That, in addition to other remedies provided by law, and in order to promote

the public health, safety, morals, and the general welfare, all cities of the first, second, and second class A, incorporated towns, boroughs, and townships of the second class in this Commonwealth are hereby authorized and empowered to enact and enforce suitable ordinances to govern and regulate the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and to the sanitation and inspection of land appurtenant thereto, and the said ordinances may provide proper penalties not exceeding five hundred dollars ($500) for the violation of their provisions.

SECTION 2. In case any building or structure is constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of any ordinance enacted under authority conferred hereby, the corporate authorities of any city of the first, second, and second class A, incorporated town, borough, or township of the second class, in addition to the penalties provided by ordinances enacted herewith, may institute appropriate actions or proceedings at law or in equity to prevent and restrain such unlawful construction, reconstruction, alteration, repairs, conversion, maintenance, or use and to restrain, correct, or abate such violation, and to prevent the occupancy of said building or structure.

SECTION 3. The ordinances enacted pursuant to this act shall not be inconsistent with the provisions of any statute governing the same matter, but all regulations prescribed by such ordinances which are additional or supplementary to the statute law, and not inconsistent therewith, or enacted for the purpose of carrying into effect the provisions of the statute law, shall be valid and binding.

SECTION 4. The following acts are hereby repealed:

The act approved the eleventh day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, nine hundred and sixty-four), entitled 'An act to enable cities, incorporated towns, boroughs, and townships of the first class to govern and regulate by ordinance the construction, altera-

tion, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings used for human habitation and land appurtenant thereto; and providing for the enforcement of such ordinances.

The act approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand sixty-three), entitled 'An act creating in cities of the first class a Bureau of Building Inspection; regulating the erection, enlargement, alteration, repair, moving, removal, demolition and inspection of buildings and other structures, and the erection, encroachment, extension, repair, inspection, and use of party walls; defining certain words and terms used; repealing conflicting legislation; and providing penalties for violations of this act.' "

APPROVED—The 14th day of April, A. D. 1937.

GEORGE H. EARLE.

ORDINANCE OF CITY OF PHILADELPHIA APPROVED AUGUST 31, 1937, ADOPTING BUILDING CODE BY SAID CITY.

AN ORDINANCE.

To adopt a building code contained in the Act of May first, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand sixty-three), as the building code of the City of Philadelphia under the authority and power of Act eighty-seven, approved April fourteenth, one thousand nine hundred and thirty-seven, to be effective on September first, one thousand nine hundred and thirty-seven; to continue the Bureau of Building Inspection now existing to carry out the provisions of the said code; and to provide penalties.

WHEREAS, Act eighty-seven, approved April fourteenth, one thousand nine hundred and thirty-seven, of the

Commonwealth of Pennsylvania, authorizes and empowers the City of Philadelphia, inter alia, to enact and enforce suitable ordinances to govern and regulate the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilating, water supply, toilet facilities, drainage, use and inspection of all buildings and of land appurtenant thereto, which said authority and power becomes effective September first, one thousand nine hundred and thirty-seven;

AND WHEREAS, By virtue of the said Act, the Act approved May first, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand sixty-three), embodying a building code for cities of the first class and entitled "An Act creating in cities of the first class a Bureau of Building Inspection; regulating the erection, enlargement, alteration, repair, moving, removal, demolition and inspection of buildings and other structures and the erection, encroachment, extension, repair, inspection and use of party walls; defining certain words and terms used; repealing conflicting legislation; and providing penalties for violation of this act," was repealed, said repeal to take effect September first, one thousand nine hundred and thirty-seven; therefore

SECTION 1. THE COUNCIL OF THE CITY OF PHILADELPHIA ORDAINS, That the building code as contained in the Act of May first, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand sixty-three), and the authority creating a Bureau of Building Inspection in cities of the first class, is hereby adopted, to be effective on and after September first, one thousand nine hundred and thirty-seven, until such time as a new or modified code shall be adopted.

SECT. 2. Any person or persons violating the provisions of the aforementioned building code shall be subject to the penalties therein, not exceeding five hundred (500) dollars, and upon failure to pay same, shall be subject to imprisonment not exceeding thirty days.

SECT. 3. This ordinance shall become effective on September first, one thousand nine hundred and thirty-seven.

Approved the thirty-first day of August, A. D. 1937.

S. DAVIS WILSON,
Mayor of Philadelphia.

UNITED STATES CIRCUIT COURT OF APPEALS.
FOR THE THIRD CIRCUIT.

No. 8763. October Term, 1944.

UNITED STATES OF AMERICA

vs.

CITY OF PHILADELPHIA; RUFUS S. REEVES, Director of the Department of Public Health and HERBERT M. PACKER, Chief of the Division of Housing and Sanitation of the Department of Public Health of the City of Philadelphia,

Appellants.

APPEAL FROM THE FINAL DECREE OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

Before PARKER and GOODRICH, Circuit Judges, and BARD, District Judge.

OPINION OF THE COURT.

(Filed Febuary 16, 1945.)

PER CURIAM.

This case will be affirmed for reasons adequately stated in the opinion of the District Judge. The fact that the buildings here were permanent and not temporary structures furnishes no adequate ground for distinguishing the case from the one before this Court in United States v. City of Chester, 3 Cir. 144 F. 2d 415. We gave careful consideration in that case to the real questions now before us and see no reason to modify the conclusions there announced.

Affirmed.

A true Copy:

Teste:

Clerk of the United States Circuit Court of Appeals for the Third Circuit.